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VIA FACSIMILE

Hon. Harold Baer, Jr.
United States District Courthouse
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

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Re: Arista Records LLC, et al v. Usenet.com, Inc., 07 Civ. 8822

Dear Judge Baer:

We are writing on behalf of both the Plaintiffs and the Defendant in the above-referenced action regarding scheduling and the pending motion to dismiss the Complaint on personal jurisdiction grounds.

The parties have consulted with each other and agree that it would be appropriate to conduct jurisdictional discovery prior to further briefing on the motion to dismiss. This approach would best promote judicial economy by avoiding the possibility of two sets of motion papers – one now, and one after jurisdictional discovery is conducted.

The parties have further agreed to meet and confer on Tuesday, December 18, regarding scheduling for jurisdictional discovery and the completion of briefing regarding the motion.

We therefore propose that at the January 3, 2007 conference scheduled in this case, the parties will present the Court with a stipulated schedule for jurisdictional discovery and the submission of Plaintiffs' opposition brief and Defendant's reply brief. If this proposal is acceptable to the Court, a new date will need to be set for the oral argument on the motion currently scheduled for January 3.

We hope that the above proposal meets with the Court's approval.

Very truly yours,

Andrew H. Bart

Charles S. Baker

s/ Charles S. Baker, JWS

SO ORDERED:

Harold Baer, Jr. U.S.D.J.
12/26/07

Endorsement:

My view is that if you both agree as I gather you do to jurisdictional discovery that's OK with me but don't wait to start it until our PTC on the 3rd - you should have begun it already and we can talk about adjournments when we need I don't need your stipulated schedule - just start and bring what's left to the conference.